REMARKS

Applicants appreciate the Examiner's attention to this application. This response cancels claims 1-22 and adds claims 23-42. Claims 23, 31, and 38 are the pending independent claims. Reconsideration of the present application in view of the enclosed amendments and remarks is respectfully requested.

ARGUMENT

The Office Action includes rejections based on 35 U.S.C. §§ 112 (second paragraph) and 103(a). To the extent that any of those rejections might be applied to the claims as amended, Applicants respectfully traverse.

35 U.S.C. § 112, Second Paragraph

The Office Action rejects claims 12-19 under 35 U.S.C. § 112, second paragraph, because of insufficient antecedent basis, resulting from references back to the incorrect parent claim. This response cancels claims 12-19.

35 U.S.C. § 103(a)

The Office Action rejects claims 1-4, 7, 9, 11-14, 19, and 21 under 35 U.S.C. § 103(a) as being unpatentable over "Java Management Extensions White Pater," revision 01, June 1999, by Sun Microsystems (hereinafter "the JMX Whitepaper"). The Office Action rejects claims 5, 6, 8, 15-16, 18, 20, and 22 under 35 U.S.C. § 103(a) as being unpatentable over the JMX Whitepaper, in view of the technology described in the Background of the Invention section of the present application (hereinafter "the Background"). Also, the Office Action rejects claims 10 and 17 under 35 U.S.C. § 103(a) as being unpatentable over the Whitepaper, in view of "Java Management Extensions Instrumentation and Agent Specification," Final Release, July 2000, by Sun Microsystems (hereinafter "the JMX Instrumentation Specification"). To the extent those rejections might be applied to the present claims, Applicants respectfully traverse.

The JMX Whitepaper describes a Java based framework for managing processing systems. In particular, the JMX Whitepaper discloses a management framework in which a management application communicates with "Manageable Beans (MBeans)" in the managed server (page 7, Figure 1). The JMX Whitepaper, however, does disclose or suggest a framework to support management of, or communication with, a managed server via a Windows Management Instrumentation (WMI) application program interface (API).

By contrast, in the present application, claim 38 recites a method that involves communicating with a managed server "via a WMI application program interface (API) of the managed server."

The Background recognizes in general that some systems provide access to management data via a WMI interface. Specifically, the Background points out that, according to conventional technology, a client console can obtain management data from a managed server via a WMI interface only if the client console is based on a Microsoft OS. The Background also points out that, according to conventional technology, a client console based on any other technology, (e.g. a Java based client console) cannot obtain management data from a managed server via a WMI interface.

The Office Action attempts to combine the JMX Whitepaper with the technology described in the Background to produce a combination that allows a Java based client console to obtain management data from a managed server via a WMI interface. However, such a combination is improper because (a) it would alter a fundamental principle of operation of the JMX Whitepaper -- that "all management operations performed on the MBeans are done through Java technology-based interfaces on the MBean server" (page 6, third paragraph), and (b) any motivation to combine comes only from hindsight and not from the prior art.

The present invention is directed towards supporting communication with managed servers that do not use Java technology-based interfaces to provide management data. Instead, as recited in claim 38, communication with the managed server is to occur "via a WMI application program interface (API) of the managed server." By contrast, as indicated above, the JMX Whitepaper explicitly

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teaches that communications with the managed server occur via Java technology-based interfaces on the server.

With regard to the WMI API formerly recited in claim 20, the Office Action seems to assert that a WMI API is the same as a WBEM API. However, any such assertion would be fundamentally incorrect. Figure 1 on page 7 of the JMX Whitepaper illustrates a Common Information Model (CIM)/WBEM Manager API as a management protocol API. In accordance with the JMX Whitepaper teachings referenced above, a CIM/WBEM API constitutes a Java technology-based interface. A WMI API, by contrast, is an interface based on a proprietary Microsoft Windows OS. WMI does not support CIM/WBEM communications.

Consequently, a combination of the JMX Whitepaper with the technology described in the Background would alter a fundamental principle of operation of the JMX Whitepaper. In fact, the JMX Whitepaper actually teaches away from communicating with a managed server via a WMI API of the managed server.

Furthermore, for an obviousness rejection to be valid, any motivation to combine references must come from the prior art. In this case, however, such a showing has not been made. Instead, the asserted motivation to combine is apparently based on hindsight, in view of the present application. It is well established, however, that hindsight is not a proper basis for the motivation to combine.

Therefore, the combination asserted in the Office Action is improper, and claim 38 is patentable over the cited art. Also, claims 23 and 31 involve features that are the same as or similar to the feature or features discussed above with regard to claim 38. Consequently, claims 23 and 31 also patentably define the invention over the cited art. In addition, since the dependent claims implicitly include the features of their respective parent claims, all pending claims are allowable.

Also, the pending claims recite numerous additional attributes and features that are not disclosed or suggested by the cited art. For instance, claim 40 depends from claim 38, and specfically recites the operation of "mapping a method that is not compatible with WMI to a corresponding method that is compatible with WMI."

For these and other reasons, all pending claims are allowable.

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CONCLUSION

In view of the foregoing remarks, claims 23-42 are all in condition for allowance.

If the Examiner has any questions, the Examiner is invited to contact the undersigned at (512) 732-3927. Early issuance of Notice of Allowance is respectfully requested.

Respectfully submitted,

Dated:___9/3/04___   _____

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